

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

June 13, 2012  
8:00 a.m.

**Members present:** Chairman Gilbert, Councilors Butler, Gosse, Hinds, Hoyt, Lyons, and Rastallis

**Members absent:** Councilors Henderson, Rawnsley, and Varotsis

Chairman Gilbert called the meeting to order at 9:05 a.m.

### 1. Approval of Minutes of May 9, 2012, 2012 Meeting

- *Motion made by Councilor to approve the minutes, second by Councilor . Motion passed unanimously. Councilor Rastallis abstaining.*

### 2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

#### I. New Appeals

##### **Docket No. 12-06 WC – JKS Construction Appeal**

Re: 2/21/12 Denial for AoT Application #110201-12

Hearing Officer: Not assigned

Status: 3/21/12 received Notice of Appeal. 3/23/12 sent insufficient appeal letter. 4/23/12 received revised Notice of Appeal. 4/24/12 sent receipt of appeal letter. Revised appeal does not have statutory provision under which the relief is sought. Council to accept or decline appeal at 5/9/12 meeting. Council declined to accept the appeal as there was no statutory provision stated for which relief was sought. Notice issued May 10, 2012.

#### II. Decision and Orders that need to be written finalized and issued.

#### III. Hearings or PHCs Pending

##### **Docket No. 11-08 WC David Riley, et al.**

Re: Lake Waukegan Final Operating Level

Presiding Officer: David Conley assigned on 1/19/12

Recused: Carol Henderson

Status: Hearing scheduled for February 8, 2012 at 9 a.m. per Pre-Hearing Order (PHO). Nov. 16, 2011 received Assented-to Motion for a Continuance. Decision for 8 Petitioners to Intervene and decision on Motion for Continuance were issued on Nov. 28, 2011. New hearing date set for April 11, 2012 at 9 a.m., notice given in Decision dated Nov. 28, 2011. January 25, 2012 received a Fully Assented-To Motion for Interim Deadline Extension. Feb. 16, 2012 received Appellants' expert Disclosure. Motion for Interim Deadline Extension was granted & issued on Feb. 17, 2012. Mar. 9, 2012 received withdrawal of 2 interveners (Brian & Pamela Langille). Mar. 19, 2012 Appellant, DES and Intervenors filed Witness and Exhibit Lists. Mar. 30, 2012 received Partial Objection to Intervenors' Witness and Exhibit List.

Apr. 6, 2012 issued order granting Objection. Hearing was held April 11, 2012. Deliberations were not held on May 9, 2012 as one of the council members was not able to participate; deliberations were rescheduled for today, June 13, 2012 at 9 a.m.

**Dockets No. 09-05 & 12-01 WC – Dalton Valley Drag, LLC and David Sundman, et al.**

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb. 9, 2012. Feb. 21, 2012 received Appellant's first request for information from applicant. Pre-Hearing Conference (PHC) is scheduled for Apr. 16, 2012 at 1 p.m., notice sent 3/13/12. Mar. 20, 2012 received Motion to Continue PHC. Mar. 26, 2012, Motion was granted. Rescheduled PHC for May 2, 2012 at 9 a.m., notice given Mar. 27, 2012. At the Council's 4/11/12 meeting, the Council voted to consolidate appeal Docket Nos. 09-05 WC – North Country Alliance for Balanced Change and 12-01 WC David Sundman, et al. Notice of the consolidated appeals and PHC were issued April 12, 2012; 4/19/12 received Appearance of Allen Brooks for Docket No. 12-01 WC. 4/20/12 received Withdrawal of Interveners Counsel in Docket No. 09-05 WC. PHC was held on 5/2/12, a second PHC is scheduled for Aug. 27, 2012 @ 9 a.m., and a hearing is scheduled for Sept. 12, 2012 @ 10 a.m. Notice given 5/2/12 via PHO.

**Docket No. 12-05 WC Fillmore Industries**

RE: Feb. 14, 2012 Administrative Order No. 12-005 WD

Presiding Officer: Not Assigned. Requested Hearing Officer on 4/13/12

Status: Appeal was filed on Mar. 15, 2012. Receipt of Appeal letter was issued on 3/15/12. Mar. 13, 2012 appeal accepted letter was issued. PHC is scheduled for June 20, 2012 at 9 a.m., notice issued May 30, 2012.

**IV. Inactive/Status Letter or Pending Settlement/Withdrawal**

**Docket No. 11-05 WC – Town of Hooksett and Hooksett Sewer Commission**

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: On May 11, 2011 the Council voted unanimously to accept appeal. The Town and DES continue to be engaged in discussion to resolve this matter. Both the Town and DES request that the Council continue to delay taking action on the Notice of Appeal.

**3. Other Business**

Chairman Gilbert

Water Sustainability Commission Update – On May 8<sup>th</sup> 5 simultaneous public sessions were held in the 5 Executive Council districts around the state. These were facilitated by NH Listens. The Commission has started to formulate a 10-12 page document that will summarize the key findings and recommendations with an outline of strategic and principles for managing the state's water resources going forward. The Commission will meet with water professionals in June and then possibly an informal one in the Lakes Region in June also.

Chairman Gilbert was interviewed on NH Public Radio along with Paul Susca and Denise Hart, on Tuesday, May 1st.

Env-Dw 503 and 504 - Public Water Systems

Draft rules were presented by Deborah Sonderegger and Chip Mackey of the Drinking Water Bureau. These are rules regarding general operations and maintenance. 3 meetings have been held with operators in state. Changes were made for the smaller water systems in the state (small system is considered anything under 500 people by the state). These have not gone out for public hearing yet.

Council members were asked to read and review for input at the next meeting.

**4. Legislative Update**

Director Stewart

The DES 2012 Session Bills of Interest was distributed by Director Stewart. All the bills have crossed over. Page 6 starts the final chapter bills that have been passed by House and Senate and will be signed by the Governor, if not vetoed. Also listed are the bills that have been sent to interim study or ITLd. Bills are being monitored and watching for amendments.

**5. Next Meeting**

July 11, 2012 at 9 a.m.

**6. Adjournment**

- ***Councilor Lyons made a motion to adjourn, second by Councilor Hinds. Motion passed unanimously.***

Meeting was adjourned at a.m.